

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-6 and 8-10 are now present in the application. Claims 1, 2 and 6 have been amended. Claim 7 has been cancelled. Claims 1, 4, 6 and 8 are independent. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that claims 4, 5 and 8-10 are allowed and dependent claims 2 and 7 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Applicants greatly appreciate the indication of allowable subject matter by the Examiner.

By the present amendment, independent claim 1 has been amended to include a portion of the subject matter of allowable dependent claim 2, and independent claim 6 has been amended to incorporate the entire subject matter of dependent claim 7, as discussed hereinbelow.

Priority Under 35 U.S.C. §119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed on December 3, 2004, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Drawings

The Examiner did not indicate whether or not the formal drawings have been accepted. Since no objection has been received, Applicants assume that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wagner, U.S. Patent No. 4,216,401 [sic., Wright, U.S. Patent No. 6,445,265]. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

The Examiner in the outstanding Office Action relied on Wagner against claims 1, 3 and 6. After conducting a telephone interview with the Examiner on March 28, 2007, the Examiner admitted that the reference she relied on in the outstanding Office Action was Wright, not Wagner.

In light of the foregoing amendments, Applicants respectfully submit that this rejection has been obviated and/or rendered moot. While not conceding to the Examiner's rejection, but merely to expedite prosecution, as the Examiner will note, independent claims 1 and 6 have been amended.

As mentioned, independent claim 1 has been amended to include a portion of the subject matter of allowable dependent claim 2. In particular, independent claim 1 has been amended to recite "a width of the narrow slit is varied according to the pressure transmitted to the thin membrane." Applicants respectfully submit that the above combination of elements as set forth in amended independent claim 1 is not disclosed or suggested by the reference relied on by the Examiner.

In particular, Wright simply discloses that a slit acoustic wave passes through a narrow slit at its inside. However, Wright nowhere discloses that a width of the narrow slit is varied according to the pressure transmitted to the thin layer 18 (referred to be the Examiner as the thin membrane of claim 1). Therefore, Wright fails to teach "a width of the narrow slit is varied according to the pressure transmitted to the thin membrane" as recited in amended claim 1.

In addition, independent claim 6 has been amended to incorporate the subject matter of dependent claim 7, which was indicated by the Examiner as including allowable subject matter. Accordingly, it is believed that amended independent claim 6 is in condition for allowance.

Since Wright fails to teach each and every limitation of amended independent claims 1 and 6, Applicant respectfully submits that amended independent claims 1 and 6 clearly define over the teachings of Wright.

In addition, claim 3 depends from independent claim 1, and is therefore allowable based on its dependency from independent claim 1, which is believed to be allowable.

In view of the above remarks, Applicants respectfully submit that claims 1, 3 and 6 clearly define the present invention over the reference relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By


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